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12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA,) Case No. 5:21-mj-70910-MAG-1
17 Plaintiff,)
18 v.) STIPULATION TO EXCLUDE TIME FROM
19 MIN HAO WU,) AUGUST 18, 2021 TO SEPTEMBER 20, 2021 AND
20 Defendant.) [PROPOSED] ORDER
21 _____)

22 It is hereby stipulated by and between counsel for the United States and counsel for the
23 defendant MIN HAO WU, that time be excluded under the Speedy Trial Act from AUGUST 18, 2021
24 through SEPTEMBER 20, 2021.

25 At the status conference held on AUGUST 18, 2021, the government and counsel for the
26 defendant agreed that time be excluded under the Speedy Trial Act so that counsel for the defendant
27 could continue to prepare, including by reviewing the discovery that has been and will be produced. For
28 this reason and as further stated on the record at the status conference, the parties stipulate and agree that
excluding time until SEPTEMBER 20, 2021 will allow for the effective preparation of counsel. *See*
18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by
excluding the time from AUGUST 18, 2021 through SEPTEMBER 20, 2021 from computation under

1 the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. *See*
2 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(iv).

3 For the above reasons, the defendant consents and the parties stipulate and agree that there is
4 good cause to extend the time to conduct a preliminary hearing to no later 14 days after SEPTEMBER
5 20, 2021 if the defendant is in custody after that date and no later than 21 days if the defendant is not in
6 custody after that date. *See* Fed. R. Crim. P. 5.1(d).

7 The undersigned Special Assistant United States Attorney certifies that he has obtained approval
8 from counsel for the defendant to file this stipulation and proposed order.

9
10 IT IS SO STIPULATED.

11 Dated: August 18, 2021

12 _____
13 /s/
14 DANIEL N. KASSABIAN
15 Special Assistant United States Attorney

16
17 Dated: August 18, 2021

18 _____
19 /s/
20 ERIK G. BABCOCK
21 Counsel for Defendant MIN HAO WU

[PROPOSED] ORDER

22 Based upon the facts set forth in the stipulation of the parties and the representations made to the
23 Court on AUGUST 18, 2021 and for good cause shown, the Court finds that failing to exclude the time
24 from AUGUST 18, 2021 through SEPTEMBER 20, 2021 would unreasonably deny defense counsel and
25 the defendant the reasonable time necessary for effective preparation, taking into account the exercise of
26 due diligence including by reviewing the discovery has been and will be produced. 18 U.S.C.
27 § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from
28 AUGUST 18, 2021 through SEPTEMBER 20, 2021 from computation under the Speedy Trial Act
outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).
Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from AUGUST
18, 2021 through SEPTEMBER 20, 2021 shall be excluded from computation under the Speedy Trial
Act. 18 U.S.C. § 3161(h).

1 For the above reasons, the Court further finds good cause to continue the preliminary hearing.
2 Therefore, with the defendant consent, IT IS HEREBY ORDERED that the time to conduct a
3 preliminary hearing to no later 14 days after SEPTEMBER 20, 2021 if the defendant is in custody after
4 that date and no later than 21 days if the defendant is not in custody after that date. Fed. R. Crim. P.
5 5.1(d).

6 **IT IS SO ORDERED.**

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8 Dated: August 19, 2021 —

Virginia K. Demarchi
9 VIRGINIA K. DEMARCHI
United States Magistrate Judge

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